

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

THE CITY OF BRUNSWICK,
GEORGIA

Plaintiff,

v.

SOUTHEASTERN EDUCATIONAL
SERVICES, INC.,

Defendant.

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CIVIL ACTION NO.
2:23-cv-00092-LGW-BWC

**DEFENDANT’S BRIEF WITH RESPECT TO FEDERAL COURT
JURISDICTION**

Comes now SOUTHEASTERN EDUCATIONAL SERVICES, INC., (SES,) Defendant in the above-styled action and files its Brief With Respect to Federal Court Jurisdiction and shows the Court as follows:

JURISDICTION

The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343 based on questions of federal statutory and constitutional Law, and under the Declaratory Judgment Act, 28 U.S.C. §§ 2201(a) and 2202.

Specifically, SES, a Georgia non-profit corporation, doing business as **Faith Works**, is an ecumenical ministry which falls under the umbrella of the South Georgia Conference of the United Methodist Church as an extension ministry with the purpose of identifying, studying, and creating areas of religious ministry beyond the walls of the local church. It is a parish ministry rather than a membership ministry, which is supported by

over 80 churches in Glynn County, Georgia. **Faith Works** has been addressing healthcare and poverty related needs in Southeast Georgia (primarily Glynn County, but some services are provided in surrounding counties) since 1997 when **Faith Works** partnered with the Southeast Georgia Health System to direct its Pastoral Care Program. A number of ministries have emerged under the egis of **Faith Works** over the years as connections have been made with persons in need, churches, service providers, and organizations which provide resources. These ministries include: **The Sparrows Nest** (a clearing house for local churches which provides food and financial assistance), **The Cancer Network of Hope** (a service to persons getting cancer treatment who have little or no social structure), **The Samaria Initiative** (which connects those who live outside impoverished areas with those who live in poverty), **The Well** (a day-time hospitality and religious resource center for persons experiencing homelessness), and **Open Doors** (a transitional housing program for those transitioning out of homelessness).

For more than eight years, through its designated business, **Faith Works**, SES has operated a day-time-only religious resource center for the homeless at 1101 Gloucester Street in Brunswick, Georgia, known as **The Well**. **The Well** is located on real estate owned by SES fronting on Gloucester Street and an alley known as JF Mann Way. The entrance to **The Well** is on JF Mann Way, which is a public thoroughfare under the control and jurisdiction of the City.

The Plaintiff seeks an emergency Temporary Restraining Order to close **The Well**, claiming that it is a public nuisance.

The religious activities conducted and provided by **The Well** at 1101 Gloucester Street in Brunswick, Georgia, are protected by the Religious Land Use and

Institutionalized Persons Act, (RLUIPA) 42 U.S.C. §§ 2000cc et seq. and the Free Exercise Clause of the First Amendment to The United States Constitution. Federal statutory and constitutional questions in this matter clearly place the jurisdiction in the United States District Court for the resolution of this matter. There is a plethora of cases across the nation where issues dealing with the RLUIPA have been tried in the Federal Courts. (See Table of Authorities, attached.) Jurisdiction in this matter is clearly in the United States District Court for the Southern District of Georgia, Brunswick Division.

VENUE

Venue is proper in the Southern District of Georgia pursuant to 28 U.S.C. § 1391(b) because the parties exist and can be found in this District and all of the acts and events giving rise to the claims occurred here. Venue is proper specifically in the Brunswick Division of this District because all of the parties exist and are located within the Brunswick Division and all of the claims arose in the Brunswick Division. Brunswick, Glynn County, Georgia lies in the Brunswick Division. 28 U.S.C. § 90 (c) (5).

Respectfully submitted, this 14th day of August, 2023.

/s/James A. Yancey, Jr.
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CERTIFICATE OF SERVICE

This is to certify that I have on this day served all the parties in this case in accordance with the directives from the Court Notice of Electronic Filing (“NEF”) which was generated as a result of electronic filing.

This 14th day of August, 2023.

/s/James A. Yancey, Jr.
JAMES A. YANCEY, JR.

TABLE OF AUTHORITIES

Cases

Cantwell v. Connecticut, 310 U.S. 293, 303 (1940)

Hamilton v. Regents of Univ. of Cal. 293 U.S. 245, 262 (1934)

Acad. Of Our Lady of Peace v. City of San Diego, No. 09CV962-WQH-AJB, 2010 WL 1329014 (S.D. Cal. Apr. 1, 2010)

Cutter v. Wilkinson, 544 U.S. 709 (2005)

Fifth Ave. Presbyterian Church v. City of New York, 293 F.3d 570 (2d. Cir. 2002)

First Lutheran Church v. City of St. Paul, 326 F.Supp.3d 745 (D. Minn. 2018)

Green v. Solano County. Jail, 513 F.3d 982 (9th Cir. 2008)

Guru Nanak Sikh Soc. Of Yuba City v. County of Sutter, 456 F.3d 978 (9th Cir. 2006)

Harbor Missionary Church v. City of San Buenaventura, 642 Flap's 726 (9th Cir. 2016)

Int'l Church of Foursquare Gospel v. City of San Leandro, 673 F.3d 1059 (9th Cir. 2011)

Johnson v. Baker, 23 F.4th 1209 (9th Cir. 2022)

Mintz v. Roman Catholic Bishop, 424 F.Supp.2d 309 (D. Mass.2006)

New Harvest Christian Fellowship v. City of Salinas, 29 F.4th 596 (9th Cir. 2022)

San Jose Christian College v. City of Morgan Hill, 360 F.3d 1024 (9th Cir. 2004)

Scottish Rite Cathedral Assn. of Los Angeles v. City of Los Angeles, 156 Cal.App.4th 108 (Cal.App. 2007)

Thomas v. Review Bd. Of the Ind. Employment Sec. Div. 450 U.S. 707 (1981)

W. Presbyterian Church v. Bd. Of Zoning Adjustment of D.C., 862 F.Supp. 538 (D.D. C. 1994)

Warsoldier v. Woodford, 418 F.3d 989 (9th Cir. 2005)

Wisconsin v. Yoder 406 U.S. 205 (1972)

World Outreach Conf. Ctr. V. City of Chicago, 591 F.3d 531 (7th Cir. 2009)

Statutes

28 U.S.C. §§ 1331 and 1343

28 U.S.C § 1391(b)

28 U.S.C. §§ 2201(a) and 2202

42 U.S.C. § 2000cc et seq.

Legislative History

146th Cong. Rec. S6689 (daily ed. July 13, 2000)